

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TORU OKAZAKI, YOICHI YAGASAKI and YASUHIRO MURAMATSU

Appeal No. 96-2304
Application No. 08/136,252¹

ON BRIEF

Before THOMAS, KRASS, and GROSS, Administrative Patent Judges.
KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 17 through 31, all of the claims pending in the application.

The invention is directed to a coding and decoding method and apparatus for variable length coding and decoding of a macroblock of quantized input data. In the coding technique,

¹Application for patent filed October 15, 1993.

for example, once it is determined what coding mode was used to produce the macroblock of quantized input data, a selection is made of one of a plurality of variable length coding tables as a function of the coding mode and that table is used in order to provide variable length coding of the macroblock.

Representative independent claim 17 is reproduced as follows:

17. A method for variable length coding of a macroblock of quantized input data, comprising the steps of:

determining a coding mode used to produce said macroblock;

selecting one of a plurality of variable length coding tables as a function of said coding mode to provide a selected variable length coding table; and

variable length coding said macroblock using the selected variable length coding table.

The examiner relies on the following reference:

Chen et al. (Chen)
1993

5,241,383

Aug. 31,

(Filed May 13, 1992)

Claims 17 through 25 stand rejected under 35 U.S.C. 102(e)² as anticipated by Chen while claims 26 through 31 stand rejected under 35 U.S.C. 103 as unpatentable over Chen.

Reference is made to the brief and answer for the respective positions of appellants and the examiner.³

OPINION

We reverse.

While the reference to Chen is clearly very relevant to the instant claimed invention and the examiner does make some good points in arguing the rejection, we will, nevertheless, reverse

²The examiner indicates in the answer that the ground of rejection is under 35 U.S.C. 102(b) but, clearly, because of the reference date vis a vis the application filing date, the rejection should be under 35 U.S.C. 102(e) as originally indicated by the examiner in the final rejection.

³We have not considered the reply brief, filed concurrently with the request for oral hearing, March 13, 1996, because there is no indication in the file that the examiner has entered the reply brief. Indeed, there is no indication that the examiner has ever seen the reply brief, probably due to a glitch caused by appellants' attaching the reply brief to the request for oral hearing rather than filing two separate papers. In any event, we would normally remand the case to the examiner for a decision on entry of the reply brief but, in the instant case, since we will reverse the examiner's rejections, it is a moot point as to whether or not the reply brief is entered.

the rejections because, in our view, the examiner has not established a prima facie case of anticipation or obviousness, within the meaning of 35 U.S.C. 102 or 103, respectively for the following reasons.

In accordance with the instant claimed invention, first the macroblock has already been produced by a coding mode and that coding mode is determined. Then, one of a plurality of variable length coding tables is selected "as a function of said coding mode." In Chen, as can be seen from Figure 2 thereof, frames to be coded are broken into blocks of pixels and those blocks are received at input 12. As stated at the top of column 5 of Chen, "[d]epending on whether the frame is to be intra-frame coded [or inter-frame coded], the pixel blocks are processed by" various processors. Thus, the information appearing at input 12 in Chen is not yet coded at all. Therefore, it is difficult to see how the reference meets the limitation of "determining a coding mode used to produce said macroblock." Once Chen determines, in whatever manner, which of processors 14, 16 or 18 is to be used, depending on the type of coding to be employed, that particular processor processes the data and the output of the processor is fed to coder 20 for either variable length coding or fixed

length coding. However, there is no selection of "one of a plurality of variable length coding tables," as required by the claims since there is no suggestion in Chen of a "plurality of variable length coding tables." Moreover, to the extent that there is any selection of one of a plurality of variable length coding tables by Chen, we find no such selection being a "function of said coding mode," as claimed.

We have reviewed the examiner's comments regarding the equating of Chen's "code book" to appellants' "coding table" but we are unconvinced of either anticipation or obviousness of the instant claimed subject matter, based on the evidence provided by Chen. We do not find the claimed relationship between the selection of a variable length coding table, or an assignment of VLC code words [column 8 in Chen] and the encoding mode, in Chen and we are unconvinced that there is any suggestion in the prior art to provide for such a relationship.

The examiner's decision rejecting claims 17 through 25 under 35 U.S.C. 102(e) and claims 26 through 31 under 35 U.S.C. 103 is reversed.

REVERSED

Appeal No. 96-2304
Application No. 08/136,252

Page 6

JAMES D. THOMAS)	
Administrative Patent Judge)	
)	
)	
)	
)	BOARD OF PATENT
ERROL A. KRASS)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
)	
ANITA PELLMAN GROSS)	
Administrative Patent Judge)	

EAK/jlb

Appeal No. 96-2304
Application No. 08/136,252

Page 7

FROMMER, LAWRENCE & HAUG
745 FIFTH AVENUE
NEW YORK, NY 10151